(1)

Supreme Court, U.S.
FILED

02 286 JUL 13 2002

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No.

IN THE

Supreme Court of the United States

LLOYD VICKROY,
Petitioner

v.

BRAD SCHAUFLER
Respondent

On Petition for a Writ of Certiorari
To The Arkansas Supreme Court

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Does State of Arkansas' penal code "under 15 minutes no arrest" law, violate the civil rights of a citizen and the right to free passage, when that law is used for stopping of motor vehicles upon the interstate for less than fifteen minutes, without it constituting an arrest, under Arkansas law, when there is no evidence that a crime has been committed?

LIST OF PARTIES

All parties appear in the caption on the cover page.

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IN THE

Supreme Court of the United States

PETITION FOR THE WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

For cases from **state courts:**

OPINIONS BELOW

The opinion of the highest court to review the merits appears at Appendix D to the petition and is unpublished.

The opinion of the state appeals court appears at Appendix A to the petition and is unpublished.

The first opinion of the state circuit court appears at Appendix B to the petition and is unpublished.

The second opinion of the state circuit court appears at Appendix C to the petition and is unpublished.

JURISDICTION

For cases from **state courts:**

The date on which the highest state court decided my case was 18 April 2002.

A copy of that decision appears at Appendix D.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional Amendments and Articles involved:

First, Fourth, Fifth, Eighth, and Fourteenth; Article IV section 2.

STATEMENT OF THE CASE

1. Vickroy, a resident of Missouri, did not commit a crime, was not arrested for a crime, nor prosecuted for a crime. Ketchum v. City of West Memphis, Arkansas 974 F.2d 81. Therefore, Vickroy had right of free passage without interference throughout the State of Arkansas.

Edwards v. People of California 314 U.S. 160.

2. Vickroy was arrested under color of state law,(penal code cites that any stop under 15 minutes

is not an arrest) even the random stop of Vickroy, by the use of force (blue emergency lights), his papers searched and he was released without receiving a citation.

3. Schaufler, the arresting officer, stated under oath, in the trial court, that he saw nothing for which to arrest Vickroy for but lights shining out of a ranch driveway. (A ranch driveway not fenced is a highway as defined under Arkansas law).

4. Schaufler made claim of an oral agreement between him and the owner of the driveway, eighteen months before, to watch the driveway. No factual evidence was placed on record to substantiate this claim.

REASONS FOR GRANTING THE PETITION

The section of the Arkansas penal code that states:" any stop under 15 minutes is not an arrest", is too broad in

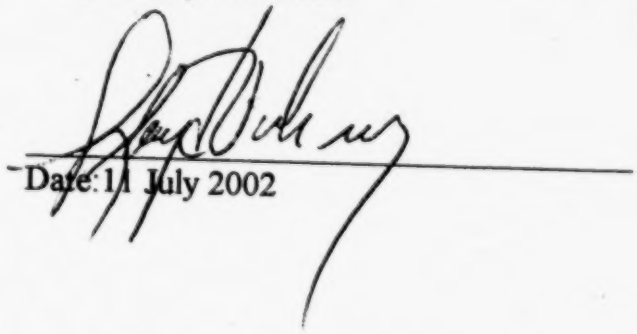
nature and unconstitutional to all persons who travel upon the interstate or intrastate roadways in the State of Arkansas.

CONCLUSION

Conformance with the right of free passage of citizens, without the use of local laws, should be the same for every state.

The petition for a writ of certiorari should be granted.

Respectfully submitted:



Date: 11 July 2002